...TION FILED
NOV 14 1994

No. 93-1841

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1994

ADARAND CONSTRUCTORS, INC.,

Petitioner,

v.

FEDERICO PENA, Secretary of Department of Transportation, *et al*,

Respondents.

On Writ of Certiorari To The United States Court of Appeals For the Tenth Circuit

MOTION OF L. S. LEE, INC., et al. FOR LEAVE TO FILE BRIEF AMICUS CURIAE OUT OF TIME

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Attorneys for Amici Curiae

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FOR LEAVE TO FILE BRIEF
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L. S. Lee, Inc., et al. filed a brief *amicus curiae* on behalf of Petitioner with service by mail on November 8, 1994, in accord with Rule 29.2 of the Rules of this Court. Counsel has been informed by the Clerk that the brief was late because the Court had entered an Order directing that service of

the brief of the Petitioner be made by 3:00 p.m. on November 8, 1994.

The brief *amicus curiae* was filed with consent of the parties. Counsel for the amici was not aware that service was to be made other than under Rule 29.2. Counsel regrets the error and apologizes for the inconvenience to the Court. The *amici* would appreciate the opportunity to present their suggestions to the Court. Accordingly, it is moved that leave be granted to file the brief out of time.

Respectfully submitted,

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